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EXAMINER

CHOI, MICHAEL P

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/650,798	Applicant(s) MIZUSHIRI, TAKEHIKO	
	Examiner Michael P. Choi	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/663,763 in view of Saeki et al. (US 6,253,026 B1).

Regarding Claim 1 of the instant application, Claim 1 of Application No. 10/663,763 recites an information reproducing apparatus for reproducing audio information and a plurality of still picture information units on the basis of reproduction control information for indicating reproduction starting time points of the respective plurality of still picture information units to be reproduced during a reproduction of the audio information, the information reproducing apparatus comprising: an audio reproducing device for reproducing the audio information; and a still picture reproducing device for reproducing the plurality of still picture information units in sequence by switching the plurality of still picture information units one after another according to the reproduction starting time points.

Saeki et al. (hereinafter Saeki) teaches a selecting device for selecting a still picture information unit among the plurality of still picture information units (AV data - Fig. 21; Col. 19, lines 7-25); and a controlling device (Fig. 15, 1) for controlling the audio reproducing device (Fig. 14) and the still picture

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reproducing device (Fig. 14) so as to reproduce the audio information and the selected still picture information unit (V_PCK and A_PCK – Fig. 10) from a reproduction position (Fig. 7) corresponding to a reproduction time point of the selected still picture information unit (Fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine incorporate the information reproducing apparatus with a selecting device and a controlling device so as to allow the user manual functionality to control a still picture information unit to be reproduced.

Regarding Claim 2, Saeki teaches the information reproducing apparatus according to claim 1, wherein the controlling device (Fig. 15, 1) controls the audio reproducing device and the still picture reproducing device (controls through a bus the MPEG decoder pertaining to an audio and video output signal – Fig. 15) so as to reproduce the audio information and the selected still picture information unit (in at least Fig. 21) from a reproduction position corresponding to a reproduction start time point of the selected still picture information unit (in at least Col. 9, lines 42-48; Figs. 9, 11-13, 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine incorporate the information reproducing apparatus with a selecting device and a controlling device so as to allow the user manual functionality to control a still picture information unit to be reproduced.

Regarding Claim 3, Saeki teaches the information reproducing apparatus according to claim 1, wherein the selecting device includes a command input device (remote controller – Fig. 15) for inputting a command to select a still picture information unit (Fig. 21) to be reproduced before a still picture information unit that is being reproduced at the present time ("Title A" is reproduced after "Title B" as dependent on user selection - Fig. 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine incorporate the information reproducing apparatus with a selecting device and a controlling device so as to allow the user manual functionality to control a still picture information unit to be reproduced.

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Claim 4 is rejected under the same grounds as Claim 3.

Claim 5 is rejected under the same grounds as Claim 3.

3. Claims 6 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of copending Application No. 10/663,763 in view of Saeki et al. (US 6,253,026 B1).

Regarding Claim 6 of the instant application, Claim 21 of Application No. 10/663,763 recites a computer program product in a computer-readable medium for tangibly embodying a program of instructions executable by a computer to make the computer function as an information reproducing apparatus for reproducing audio information and a plurality of still picture information units on the basis of reproduction control information for indicating reproduction time points of the respective plurality of still picture information during a reproduction of the audio information, the information reproducing apparatus comprising: an audio reproducing device for reproducing the audio information; and a still picture reproducing device for reproducing the plurality of still picture information units in sequence by switching the plurality of still picture information units one after another according to the reproduction time points.

Saeki et al. (hereinafter Saeki) teaches a selecting device for selecting a still picture information unit among the plurality of still picture information units (AV data - Fig. 21; Col. 19, lines 7-25); and a controlling device (Fig. 15, 1) for controlling the audio reproducing device (Fig. 14) and the still picture reproducing device (Fig. 14) so as to reproduce the audio information and the selected still picture information unit (V_PCK and A_PCK - Fig. 10) from a reproduction position (Fig. 7) corresponding to a reproduction time point of the selected still picture information unit (Fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine incorporate the information reproducing apparatus with a selecting device and a controlling device so as to allow the user manual functionality to control a still picture information unit to be reproduced.

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4. Claims 7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/663,763 in view of Saeki et al. (US 6,253,026 B1).

Regarding Claim 7 of the instant application, Claim 17 of Application No. 10/663,763 recites an information reproducing method of reproducing audio information and a plurality of still picture information units on the basis of reproduction control information for indicating reproduction time points of the respective plurality of still picture information during a reproduction of the audio information, the information reproducing method comprising: an audio reproducing process of reproducing the audio information; a still picture reproducing process of reproducing the plurality of still picture information units in sequence by switching the plurality of still picture information units one after another according to the reproduction time points.

Saeki et al. (hereinafter Saeki) teaches a selecting device for selecting a still picture information unit among the plurality of still picture information units (AV data - Fig. 21; Col. 19, lines 7-25); and a controlling device (Fig. 15, 1) for controlling the audio reproducing device (Fig. 14) and the still picture reproducing device (Fig. 14) so as to reproduce the audio information and the selected still picture information unit (V_PCK and A_PCK - Fig. 10) from a reproduction position (Fig. 7) corresponding to a reproduction time point of the selected still picture information unit (Fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine incorporate the information reproducing apparatus with a selecting device and a controlling device so as to allow the user manual functionality to control a still picture information unit to be reproduced.

This is a provisional obviousness-type double patenting rejection.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Saeki et al. (US 6,253,026 B1).

Regarding Claim 1, Saeki teaches an information reproducing apparatus for reproducing audio information and a plurality of still picture information units (see at least Fig. 14) on the basis of reproduction control information (Fig. 15, 1) for indicating reproduction time points (Figs. 8, 9, 11-13) of the respective plurality of still picture information during a reproduction of the audio information (Fig. 10), the information reproducing apparatus comprising:

- an audio reproducing device for reproducing the audio information (speakers - Fig. 14);
- a still picture reproducing device (Fig. 14) for reproducing the plurality of still picture information units in sequence (VOB#1 ... VOB#N - Fig. 7) by switching (choosing between Title A or B - Fig. 21) the plurality of still picture information units one after another according to the reproduction time points (Figs. 8 and 9 – having PGC information of VOB Information);
- a selecting device for selecting a still picture information unit among the plurality of still picture information units (AV data - Fig. 21; Col. 19, lines 7-25); and
- a controlling device (Fig. 15, 1) for controlling the audio reproducing device (Fig. 14) and the still picture reproducing device (Fig. 14) so as to reproduce the audio information and the selected still picture information unit (V_PCK and A_PCK – Fig. 10) from a reproduction position (Fig. 7)

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corresponding to a reproduction time point of the selected still picture information unit (in at least a proposed time map information - Fig. 11).

Regarding Claim 2, Saeki teaches the information reproducing apparatus according to claim 1, wherein the controlling device (Fig. 15, 1) controls the audio reproducing device and the still picture reproducing device (controls through a bus the MPEG decoder pertaining to an audio and video output signal - Fig. 15) so as to reproduce the audio information and the selected still picture information unit (in at least Fig. 21) from a reproduction position corresponding to a reproduction start time point of the selected still picture information unit (in at least Col. 9, lines 42-48; Figs. 9, 11-13, 25).

Regarding Claim 3, Saeki teaches the information reproducing apparatus according to claim 1, wherein the selecting device includes a command input device (remote controller - Fig. 15) for inputting a command to select a still picture information unit (Fig. 21) to be reproduced after a still picture information unit that is being reproduced at the present time ("Title A" is reproduced after "Title B" as dependent on user selection - Fig. 21).

Regarding Claim 4, Saeki teaches the information reproducing apparatus according to claim 1, wherein the selecting device includes a command input device (remote controller - Fig. 15) for inputting a command to select a still picture information unit (Fig. 21) to be reproduced before a still picture information unit that is being reproduced at the present time ("Title A" is reproduced before "Title B" - Fig. 21).

Regarding Claim 5, Saeki teaches the information reproducing apparatus according to claim 1, wherein the selecting device includes a command input device (remote controller - Fig. 15) for inputting a command to select a desired still picture information unit (desired as contingent to user for selection of still picture information unit - Fig. 21) from among the plurality of still picture information units (Fig. 14).

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Regarding Claim 6, Saeki teaches a computer program product in a computer-readable medium (in at least Figs. 1-3) for tangibly embodying a program of instructions (Col. 11, line 65+) executable by a computer (Fig. 14) to make the computer function as an information reproducing apparatus for reproducing audio information and a plurality of still picture information units (see at least Fig. 14) on the basis of reproduction control information (Fig. 15, 1) for indicating reproduction time points (Figs. 8, 9, 11-13) of the respective plurality of still picture information during a reproduction of the audio information (Fig. 10), the information reproducing apparatus comprising:

- an audio reproducing device for reproducing the audio information (speakers - Fig. 14);
- a still picture reproducing device (Fig. 14) for reproducing the plurality of still picture information units in sequence (VOB#1 ... VOB#N - Fig. 7) by switching (choosing between Title A or B - Fig. 21) the plurality of still picture information units one after another according to the reproduction time points (Figs. 8 and 9 – having PGC information of VOB Information);
- a selecting device for selecting a still picture information unit among the plurality of still picture information units (AV data - Fig. 21; Col. 19, lines 7-25); and
- a controlling device (Fig. 15, 1) for controlling the audio reproducing device (Fig. 14) and the still picture reproducing device (Fig. 14) so as to reproduce the audio information and the selected still picture information unit (V_PCK and A_PCK – Fig. 10) from a reproduction position (Fig. 7) corresponding to a reproduction time point of the selected still picture information unit (in at least a propos time map information - Fig. 11).

Regarding Claim 7, Saeki teaches a information reproducing method of reproducing audio information and a plurality of still picture information units (see at least Fig. 14) on the basis of reproduction control information (Fig. 15, 1) for indicating reproduction time points (Figs. 8, 9, 11-13) of the respective plurality of still picture information during a reproduction of the audio information (Fig. 10), the information reproducing method comprising:

- an audio reproducing device for reproducing the audio information (speakers - Fig. 14);

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- a still picture reproducing device (Fig. 14) for reproducing the plurality of still picture information units in sequence (VOB#1 ... VOB#N - Fig. 7) by switching (choosing between Title A or B - Fig. 21) the plurality of still picture information units one after another according to the reproduction time points (Figs. 8 and 9 – having PGC information of VOB Information);
- a selecting device for selecting a still picture information unit among the plurality of still picture information units (AV data - Fig. 21; Col. 19, lines 7-25); and
- a controlling device (Fig. 15, 1) for controlling the audio reproducing device (Fig. 14) and the still picture reproducing device (Fig. 14) so as to reproduce the audio information and the selected still picture information unit (V_PCK and A_PCK – Fig. 10) from a reproduction position (Fig. 7) corresponding to a reproduction time point of the selected still picture information unit (in at least a propos time map information - Fig. 11).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- US 5,902,115 – Karaoke data to be reproduced stored in a disk as a video title set with management information for management of karaoke data and a video object set

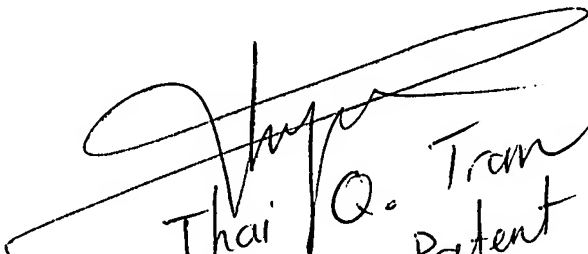
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 8:00AM - 5:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MC



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